

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2017 ANNUAL REPORT



oklahoma
crimevictims
compensation

hope begins with help

**Easing the Financial Burdens
of Crime Victims**

**DISTRICT ATTORNEYS COUNCIL
VICTIM SERVICES DIVISION**

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OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2017 Annual Report

July 1, 2016 – June 30, 2017

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OUR MISSION

**To compassionately deliver
services by
offering information,
resources and financial
assistance to crime victims
and the organizations who
serve them.**

The Honorable Mary Fallin, Governor
The Honorable Todd Lamb, Lieutenant Governor
The Honorable Mike Schulz, Senate Pro Tempore
The Honorable Charles McCall, Speaker of the House

Greetings!

The Oklahoma Crime Victims Compensation Program (OCVC) is pleased to present you with the 2017 Annual Report. This report highlights the successes of this program and the hope that it brings to crime victims. When we review the program's client surveys; we see hope, financial relief and gratitude.

All services are funded through fines and penalty assessments paid by state and federal offenders. No tax payer dollars or state appropriations are used or received for this program.

We thank you for your encouragement through the years. Together we will continue to make a difference in the lives of crime victims. Hope begins with healing.

It is an honor to present this 2017 Annual Report to you.

Respectfully,

Oklahoma Crime Victims' Compensation Board

WHO WE ARE AND HOW WE HELP

The Crime Victims' Compensation Program (21 O.S. §142.1 et. seq) is administered by the District Attorneys Council and is dedicated to ensuring that financial assistance is available to eligible violent crime victims for crime-related expenses that cannot be reimbursed by insurance or other sources.

The Crime Victims' Compensation Program is the "payer of last resort" after primary sources of payment such as health insurance, Medicaid and Medicare.

To be eligible a person must:

- Report the crime to law enforcement within 72 hours of the crime or disclosure to a responsible adult if the victim is a minor, unless waived by the Board
- File a claim within one year of the incident date, death or disclosure to a responsible adult. The one year deadline may be waived up to two years. If the crime was a child sexual assault, the Board may waive all filing deadlines for good cause.
- Fully cooperate with law enforcement.
- Not be the offender or accomplice.
- Have out-of-pocket expenses related to the crime.

To qualify a person must:

- Be a victim of a violent crime who suffers physical or psychological harm or death.
- Be a dependent of a deceased victim.
- Have authority to act on behalf of a victim or dependent.

Benefits:

Maximum award is \$20,000.00. Crimes *with* injuries that involve extended work loss or loss of support in the event of a homicide can be approved for up to \$40,000.00.

Benefits may be awarded for:

- Medical/Dental care and Prescription Medication
- Counseling, physical therapy, rehabilitation
- Work loss/ Loss of income in homicide cases and Caregiver work-loss
- Crime scene clean-up
- Funeral and burial expense, including traditional healing and burial for American Indian Crime Victims
- Impound fees

FUNDING SOURCES

\$7,049,331.39 deposited into Fund in FY 17.

The premise of the Fund has always been that crime victims in this state should be awarded financial assistance with certain expenses related to crime. Based on the concepts of fairness and justice, and bolstered by the strong belief that criminals should be held responsible for their actions; the Oklahoma Crime Victims' Compensation Fund is completely supported through fines paid by persons pleading guilty or convicted of crimes at the District and Federal Court level. There are no tax dollars used to fund payments to victims.

STATE COURTS

\$4,002,253.74 was deposited in the Fund from judges assessing the following court costs:

\$30 - \$300	Misdemeanor
\$50 - \$10,000	Felony (Criminal Injurious Conduct)
\$45 - \$1000	Felony (Non-Injurious Conduct)
\$35	Crimes involving violence/threat of violence/sexual assault (Municipal)
\$25	Driving Under the Influence (Municipal)
Deferred Judgment	Felony/Misdemeanor ranges
Deferred Prosecution	Felony/Misdemeanor ranges
Juvenile Adjudication	May award up to \$2,000

FEDERAL GRANT FUNDS

\$2,106,328.93 was deposited in the Fund through the national Victims of Crime Act (VOCA), which allows the collection of fines, fees and assessments from federal offenses. Passed in 1984, VOCA has awarded grants to the Oklahoma Crime Victims Compensation Fund since 1986. These grants are based on a formula that gives each state 60 percent of the state funds paid to victims in the previous year.

RESTITUTION

Fees received through restitution accounted for \$397,130.78 of our annual funding. A defendant may be ordered to reimburse the Fund for monies paid on behalf of his or her victim. The Division provides local prosecutors with information on the amount of money the Fund has already paid on behalf of a victim so that the amount owed to the Fund can be determined. Restitution paid by parolees to victims who cannot be located is another source of revenue. If the money remains unclaimed after three years, it is deposited in the Crime Victims' Compensation Fund. If any of the victims are later located, restitution is paid directly from the Fund.

INMATE FEES AND INTEREST

If an inmate earns wages while incarcerated, five percent of those earnings are deposited into the Fund. Inmates having savings accounts while incarcerated are required to pay 20 percent of interest earned to the Fund. \$174,075.32 was deposited to the Fund in FY 2017 from Inmate wages and Interest. The fund also collects interest on the balance in the overall fund. This year alone, interest earned was \$44,987.97.

OTHER SOURCES OF REVENUE

There were no donations to the program during FY 2017. Subrogation totaled \$320,270.64. Both are considered other sources of revenue for the Fund. When a crime victim is awarded money in a civil suit against the criminal, the Crime Victims' Compensation Fund has a lien of subrogation in an amount equal to the amount paid by the Fund. Similarly, if other collateral sources such as insurance or Medicaid pay service providers for expenses paid by the program, those service providers are obligated to return the overpayment to the Fund. Deferred Prosecution Agreements netted no additional funding in this fiscal year.

FY2017 ACTIVITY SUMMARY BY COUNTY

County	Claims Received in FY17	Claims Approved in FY17	Claims Denied in FY17	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
ADAIR	14	6	4	\$87,894.00	6	2281	\$21,272.00
ALFALFA	0	0	0	\$0.00	6	2250	\$4,832.00
ATOKA	4	1	1	\$20,000.00	3	1800	\$11,689.00
BEAVER	0	0	0	\$0.00	0	0	\$6,822.00
BECKHAM	7	2	1	\$1,087.00	3	2500	\$21,894.00
BLAINE	3	1	4	\$7,500.00	7	4500	\$24,850.00
BRYAN	15	3	2	\$30,532.00	12	5850	\$61,628.00
CADDO	6	7	6	\$62,073.00	4	2739	\$26,786.00
CANADIAN	19	11	18	\$123,683.00	34	17595	\$127,232.00
CARTER	27	12	19	\$51,927.00	31	13064	\$64,227.00
CHEROKEE	16	4	7	\$29,051.00	21	11311	\$56,350.00
CHOCTAW	2	5	1	\$34,932.00	7	4050	\$6,603.00
CIMARRON	0	0	0	\$0.00	0	0	\$5,145.00
CLEVELAND	61	16	8	\$110,181.00	152	65650	\$206,167.00
COAL	1	1	0	\$2,630.00	4	2250	\$4,116.00
COMANCHE	51	26	26	\$134,675.00	37	19080	\$50,579.00
COTTON	1	0	3	\$0.00	0	0	\$10,137.00
CRAIG	10	5	5	\$8,037.00	4	1400	\$18,070.00
CREEK	16	12	9	\$66,150.00	28	14968	\$106,311.00
CUSTER	7	3	7	\$17,445.00	3	1900	\$28,811.00
DELAWARE	5	2	0	\$11,876.00	10	4788	\$71,282.00
DEWEY	2	3	1	\$8,000.00	0	0	\$5,351.00
ELLIS	1	0	0	\$0.00	0	0	\$2,103.00
GARFIELD	17	11	11	\$87,922.00	55	26215	\$61,646.00
GARVIN	17	6	2	\$37,501.00	12	5920	\$33,850.00
GRADY	18	9	5	\$37,414.00	12	5435	\$103,975.00
GRANT	1	0	0	\$0.00	3	900	\$4,080.00
GREER	3	4	0	\$39,864.00	0	443	\$7,147.00
HARMON	1	0	1	\$0.00	0	0	\$2,500.00
HARPER	2	0	0	\$0.00	0	0	\$1,896.00
HASKELL	3	1	1	\$10,358.00	5	1850	\$19,380.00
HUGHES	0	0	1	\$0.00	12	5400	\$2,083.00
JACKSON	13	10	6	\$35,863.00	4	1342	\$31,071.00
JEFFERSON	1	4	1	\$23,713.00	5	1800	\$4,925.00
JOHNSTON	4	0	1	\$0.00	3	1892	\$12,450.00
KAY	16	1	7	\$3,437.00	18	10045	\$75,220.00
KINGFISHER	3	2	6	\$1,304.00	12	5500	\$35,537.00

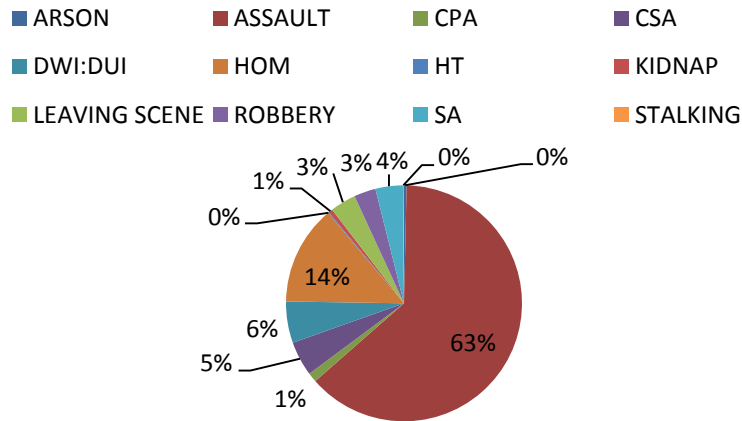
County	Claims Received in FY17	Claims Approved in FY17	Claims Denied in FY17	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
KIOWA	2	0	1	\$0.00	1	450	\$13,518.00
LATIMER	2	1	0	\$8,351.00	1	850	\$21,425.00
LE FLORE	17	0	9	\$0.00	24	12191	\$95,569.00
LINCOLN	21	1	3	\$20,000.00	20	9139	\$39,314.00
LOGAN	21	7	9	\$28,274.00	13	6480	\$48,305.00
LOVE	1	0	1	\$4,103.00	7	2356	\$16,206.00
MAJOR	0	0	0	\$0.00	1	450	\$12,159.00
MARSHALL	3	1	4	\$20,000.00	4	1800	\$11,074.00
MAYES	10	7	4	\$30,500.00	14	5638	\$59,090.00
MCCLAIN	12	8	4	\$54,980.00	6	3682	\$42,098.00
MCCURTAIN	23	10	11	\$71,349.00	14	7200	\$15,648.00
MCINTOSH	12	1	1	\$37,887.00	13	2800	\$24,747.00
MURRAY	3	2	4	\$7,646.00	9	4633	\$15,120.00
MUSKOGEE	70	26	64	\$90,403.00	72	36944	\$55,144.00
NOBLE	3	1	0	\$3,225.00	2	2300	\$7,040.00
NOWATA	4	3	0	\$61,997.00	6	1800	\$5,450.00
OKFUSKEE	0	1	1	\$5,075.00	1	500	\$12,386.00
OKLAHOMA	325	162	152	\$1,410,876.00	383	171577	\$550,725.00
OKMULGEE	11	1	0	\$7,500.00	18	6795	\$62,874.00
OSAGE	11	5	0	\$30,785.00	24	10231	\$85,915.00
OTTAWA	3	4	2	\$56,508.00	7	2400	\$125,855.00
PAWNEE	4	0	2	\$0.00	10	4150	\$44,559.00
PAYNE	61	29	46	\$77,608.00	82	40747	\$84,614.00
PITTSBURG	11	6	3	\$35,998.00	36	19500	\$36,894.00
PONTOTOC	11	10	3	\$60,234.00	23	10657	\$36,742.00
POTTAWATOMIE	30	17	14	\$112,304.00	45	22087	\$83,504.00
PUSHMATAHA	2	0	0	\$0.00	6	2700	\$7,163.00
ROGER MILLS	2	0	0	\$0.00	0	0	\$1,618.00
ROGERS	48	13	16	\$84,588.00	35	18100	\$83,584.00
SEMINOLE	5	5	1	\$35,923.00	12	3646	\$29,877.00
SEQUOYAH	9	3	7	\$28,653.00	19	9709	\$11,642.00
STEPHENS	19	7	2	\$32,614.00	22	10390	\$24,088.00
TEXAS	4	3	0	\$24,442.00	4	1950	\$24,166.00
TILLMAN	4	0	2	\$0.00	0	0	\$7,213.00
TULSA	323	105	143	\$805,771.00	370	171943	\$659,387.00
WAGONER	36	12	9	\$28,498.00	27	12712	\$65,249.00
WASHINGTON	6	2	9	\$34,680.00	31	14450	\$68,913.00
WASHITA	7	3	1	\$1,855.00	6	2800	\$9,521.00

County	Claims Received in FY17	Claims Approved in FY17	Claims Denied in FY17	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
WOODS	1	2	0	\$27,879.00	0	500	\$11,460.00
WOODWARD	17	12	5	\$49,584.00	6	2295	\$31,795.00
				\$4,475,139	1887	883270	\$3,979,668.
Totals	1521	638	697	.00			00

- Approved and denied claims may have been submitted prior to FY 2017.

APPLICATIONS BY CRIME TYPE

Claims Received by Crime Type



Crime	Crime Type	Number of Claims	Percentage
ARSON	ARSON	5	0.35%
ASSAULT	ASSAULT	891	63.19%
CHILD PHYSICAL ASSAULT	CPA	18	1.28%
CHILD SEXUAL ASSAULT	CSA	67	4.75%
DWI:DUI	DWI:DUI	80	5.67%
HOMICIDE	HOM	192	13.62%
HUMAN TRAFFICKING	HT	2	0.14%
KIDNAPPING	KIDNAP	8	0.57%
LEAVING SCENE	LEAVING SCENE	50	3.55%
ROBBERY	ROBBERY	42	2.98%
SEXUAL ASSAULT	SA	53	3.76%
STALKING	STALKING	2	0.14%
Grand Total		1410	100.00%

BENEFITS OF THE PROGRAM

Funeral –\$7,500.00 may be reimbursed for expenses related to the funeral, cremation, or burial of a deceased victim.

Future Economic Loss - Needed services which cannot be obtained without prior approval of the victim's compensation claim.

Income Loss - Loss of income from work the victim would have performed if he/she had not been injured. Work loss must be verified by the employer and the attending physician. Caregiver work loss can be awarded up to \$3,000.00 if the work loss is verified by the victim's physician and caregiver's employer. Caregiver work loss may only be awarded to persons who have unreimbursed wage loss due to caring for an injured victim of crime.

Loss of Support - In the event of the death of a victim, the Board may consider providing reimbursement for loss of support to a dependent based on the victim's net income at the time of death, less any collateral sources such as: Life insurance and uninsured motorist coverage over \$50,000.00, social security, workers compensation or 3rd party reimbursements. Monthly installments or a lump sum award is at the discretion of the Board.

Medical/Dental - Includes products, services, and accommodations for medical care (Examples: doctor exams, dental work, hospital treatment, hospital stay, artificial limbs, prescriptions, and eye glasses.) Medical related fees will be paid up to 80%, with a 20% required write-off by the medical service provider.

Rehabilitation - Includes such things as physical therapy, rehabilitative occupational training, and other remedial treatment and care.

Counseling for Victims - Counseling expenses may be paid up to 80%, with a 20% required write-off by the mental health service provider. The maximum compensable amount for the victim's counseling is \$3,000.00. This limit may be waived by the Board in extenuating circumstances.

Grief Counseling – Crisis counseling that is initiated within three years of the crime date is compensable, up to \$3,000.00 for each family member of a homicide victim. *Medical and pharmaceutical treatment for a family member of a homicide victim is not compensable.*

Crime Scene Cleanup- Crime scene cleanup may be approved up to \$2,000.00.

Replacement Services/ Loss and Replacement Services Loss for dependents – Includes expenses reasonably incurred in obtaining ordinary

and necessary services in lieu of those the victim would have performed for the benefit of self or family if not for the injury or death.

Other Fees - If the victim is responsible for paying impound fees associated with a violent crime occurring in the vehicle and the vehicle is held as evidence, impound costs may be reimbursed up to \$750.00.

Limits of Compensation- The maximum allowable award is \$20,000.00, except when additional work loss/loss of support is being claimed, the maximum award can be extended to \$40,000.00. The sum of all payments made to individual claimants and service providers on behalf of one victim may not exceed this amount.

Property losses are not covered under the Act.

SEXUAL ASSAULT EXAMINATION FUND

There were 1876 claims received in FY' 17 with payments totaling \$888,471.19. These funds go directly to the professionals (Medical Doctors or Sexual Assault Nurse Examiners) who conduct the forensic examinations on victims of sexual abuse. Funds for the payment of the sexual assault examinations came from deposits into the Crime Victims Compensation Fund via a journal entry transfer through the Office of State Finance. The compensable amount for the sexual assault examination is \$450.00. There is an additional \$50.00 available for medications prescribed by the sexual assault examiner for the one-time initial treatment of the victim. The District Attorneys Council is empowered by the Crime Victims Compensation Board to pay for forensic sexual assault examinations.

*Claims paid could include claims received in FY 16 and paid in FY 17.

NOTES

